

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY JOHNSON,

Defendant.

Case No. 2:13-cr-00317-KJD-GWF

ORDER

This matter is before the Court on Defendant Randy Johnson's Motion to Reconsider Detention Order (#19), filed on October 8, 2013. The Government filed its Response in Opposition to Defendant's Motion (#20) on October 9, 2013.

Although styled as a motion to reconsider, Defendant's motion does not assert that the Court's order detaining Defendant was based on any error of law or mistake of fact. Rather, Defendant seeks to reopen the detention hearing, so that he may be interviewed by Pretrial Services and further considered for pretrial release. The Bail Reform Act, 18 U.S.C. § 3142(f)(2) provides that a detention hearing may be reopened "before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." *See United States v. Masters*, 2012 WL 4612665 (D.Nev. 2012).

Plaintiff is charged with possession with intent to distribute a controlled substance, to wit: 9,344 grams of methamphetamine. The charge against Defendant gives rise to a rebuttable presumption that he poses a substantial risk of nonappearance and a danger to the community.

1 Defendant has a substantial prior criminal history, which includes several felony convictions,
2 although his most recent felony conviction was in 1992. Based on the advice of counsel, Defendant
3 did not interview with Pretrial Services following his arrest and prior to his initial appearance on
4 August 7, 2013. Defendant has not raised any new information to support reopening the detention
5 hearing that could not have been presented at the time of his initial appearance on August 7, 2013.
6 Accordingly,

7 **IT IS HEREBY ORDERED** that Defendant's Motion to Reconsider Detention Order
8 (#19) is **denied**.

9 DATED this 11th day of October, 2013.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge
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